

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 115

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO ENFORCING EXECUTION OF PLATS; AMENDING SECTION 50-1314, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES, TO PROVIDE INSTRUCTION TO THE COUNTY RECORDER TO PERFORM CERTAIN TASKS, TO PERMIT BILLING OF PROPERTY OWNERS OF A CERTAIN ASSESSMENT, TO PROVIDE FOR PAYMENT WHEN NOT PAID AS REQUESTED, TO REVISE HOW THE ASSESSMENT WILL BE COLLECTED AND WHERE THE ASSESSMENT WILL GO AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-1314, Idaho Code, be, and the same is hereby amended to read as follows:

50-1314. ENFORCING EXECUTION OF PLAT -- ASSESSMENT OF COSTS. Whenever the owners of any tract of land have divided and sold or conveyed five (5) or more parts thereof, or invested the public with any right therein, and have failed and neglected to execute and file a plat for record, as provided in ~~the thirteen (13) foregoing sections of this act~~ 50-1301 through 50-1313, Idaho Code, the county ~~recorded~~ recorder, when instructed by the board of county commissioners, shall notify some or all of such owners and proprietors by mail or otherwise, and demand an execution of such plat; if such owners or proprietors, whether notified or not, fail and neglect to execute and file for record said plat within thirty (30) days after the issuance of such notice, the recorder shall cause to be made a plat of such tract and any surveying necessary therefor. Said plat shall be prepared in accordance with requirements in sections 50-1301 through 50-1325, Idaho Code, and in addition, be signed and acknowledged by the recorder, who shall certify that he executed it by reason of the failure of the owners or proprietors named to do so, and filed for record, and, when so filed for record, shall have the same effect for all purposes as if executed, acknowledged and recorded by the owners or proprietors themselves.

A correct statement of the costs and expenses of such plat, surveying and recording, verified by oath, shall be by the recorder laid before the next session of the county board, who shall allow the same and order the same to be paid out of the county treasury, and who shall, at the same time, assess the same amount pro rata upon all several lots or parcels of said subdivided tract; said assessment may be billed to the property owner and, if not paid as requested, shall be collected with, and in like manner as the ~~general~~ property taxes, and shall go to the ~~general~~ county current expenses fund; or said board may direct suit to be brought in the name of the county before any court having jurisdiction, to recover from the said original owners or proprietors, said cost and expense of preparing and recording said plat.